IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

LA.App..No. 572 of 2007()

LAR.35/1993 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: APPELLANT/RESPONDENT

STATE OF KERALA,REP.BY SPECIAL
TAHSILDAR (LA),NH,KOZHIKODE.

BY GOVERNMENT PLEADER SMT.K.V.MANOJ.

RESPONDENTS: RESPONDENT/CLAIMANT

KURUPPALATHU SWAMI,KURUNGODATH HOUSE,
P.O PANTHEERANKAVU,KOZHIKODE-19.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

C.M.Appln.No.716/07 & L.A.A.No.572 of 2007

Dated 29th May, 2007.

J U D G M E N T

Kurian Joseph, J.

There is a delay of 599 days. On going through the affidavit accompanying the petition, we do not find that the delay is properly explained. The judgment is dated 13.10.2004. The copy was issued on 1.4.2005. However, the appeal is filed only on 19.2.2007. There is no satisfactory explanation for the delay between 27.4.2005 and 19.2.2007. All that apart, on merits, it is seen that the extent involved in this case is very small. The Land Acquisition Officer awarded compensation at the rate of Rs.2,908/- per cent for garden land and Rs.1,500/- per cent for wet land, which was enhanced to Rs.4,200/- and Rs.2,800/- respectively, on the basis of the evidence adduced by the claimants. There is no evidence for the appellant. In such circumstances, we are of the view that the market value fixed is just and reasonable. For all the above reasons, the application

for condonation of delay and the appeal are dismissed.

I.A.No.1627/2007 : Dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 29th May, 2007.